

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION REGARDING COMPLIANCE)  
OF THE STATEMENT OF GENERALLY )  
AVAILABLE TERMS OF BELL SOUTH ) CASE NO. 98-348  
TELECOMMUNICATIONS, INC. WITH )  
SECTION 251 AND SECTION 252(d) OF )  
THE TELECOMMUNICATIONS ACT OF 1996 )

O R D E R

On June 22, 1998, BellSouth Telecommunications, Inc. ("BellSouth") filed, in Case No. 96-608,<sup>1</sup> its updated Statement of Generally Available Terms ("SGAT"), together with supporting documents and a motion for an Order that both approves the SGAT and determines that BellSouth's entry into the in-region, interLATA market in Kentucky is appropriate pursuant to 47 U.S.C. § 271. Case No. 96-608 was established by this Commission on December 20, 1996, to compile a record that will enable it to advise the Federal Communications Commission ("FCC") in determining whether BellSouth should enter the in-region, interLATA market in Kentucky.

By Order dated August 21, 1997, in Case No. 96-608, the Commission found that in-region, interLATA entry under 47 U.S.C. § 271(c)(1)(B) is not available to BellSouth and therefore determined that it would not consider the SGAT in that docket. The terms of the SGAT are relevant in proceedings

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<sup>1</sup>Case No. 96-608, Investigation Concerning the Propriety of Provision of InterLATA Services by BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

pursuant to 47 U.S.C. § 271(c)(1)(B), when no qualifying requests for interconnection have been received by a Bell Operating Company. Such is not the case in Kentucky. The Commission reaffirms its decision to focus in Case No. 96-608 on BellSouth's "binding agreements that have been approved under section 252" and BellSouth's provision of "access and interconnection" to competing carriers. However, BellSouth's up-to-date SGAT contains its current offerings to competitive local exchange carriers ("CLECs") and will, if approved, offer a convenient vehicle for entry into BellSouth's markets. Accordingly, the SGAT should be reviewed by this Commission and, pursuant to 47 U.S.C. § 252(f), an Order determining whether the SGAT meets the requirements of 47 U.S.C. §§ 251 and 252(d) should be entered by August 21, 1998. This docket is therefore established to facilitate the necessary review, and all parties who have demonstrated an interest in BellSouth's SGAT through intervention in Case No. 96-608 should be made parties hereto.

Because BellSouth's filing of June 22, 1998, is placed by this Order into this docket, BellSouth should refile, in Case No. 96-608, any information directly relevant to its impending petition to the FCC to be permitted to enter the in-region, interLATA market in Kentucky pursuant to 47 U.S.C. § 271(c)(1)(A).

Because the findings necessary to determine the sufficiency of the SGAT's terms are legal ones, the Commission finds that no formal hearing is necessary in this proceeding. Instead, the parties may file comments in this docket within 20 days of the date of this Order. BellSouth may file its response to

those comments within 15 days of the date those comments are filed. The Commission will then render its decision on the written record.

The Commission being sufficiently advised, IT IS HEREBY ORDERED that:

1. This docket is established to consider whether BellSouth's Statement of Generally Available Terms complies with 47 U.S.C. §§ 251 and 252(d).
2. The parties to Case No. 96-608 are hereby made parties to this case, and shall receive a copy of this Order.
3. Comments regarding BellSouth's Statement of Generally Available Terms are due no later than 20 days from the date of this Order.
4. BellSouth's response to comments filed is due no later than 35 days from the date of this Order.
5. BellSouth's filing in Case No. 96-608, dated June 22, 1998, is hereby removed from the record in that case and is incorporated herein.

Done at Frankfort, Kentucky, this 6th day of July, 1998.

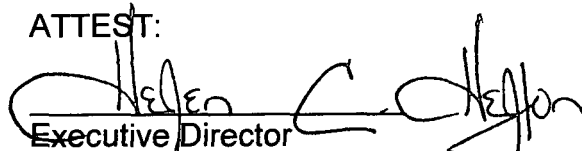
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ATTEST:

  
Executive Director